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REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES**

(covering its work during 1996)

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CHAPTER IX

EAST TIMOR, GIBRALTAR, NEW CALEDONIA, WESTERN SAHARA

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* A/51/150.

This document contains chapter IX of the Special Committee's report to the General Assembly. The general introductory chapter will be issued under the symbol A/51/23 (Part I). Other chapters of the report will be issued under the symbol A/51/23 (Parts II-IV and VI-VIII). The complete report will be issued subsequently as Official Records of the General Assembly, Fifty-first Session, Supplement No. 23 (A/51/23).

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CHAPTER IX

EAST TIMOR, GIBRALTAR, NEW CALEDONIA, WESTERN SAHARA

A. Introduction

1. At its 1454th meeting, on 16 February 1996, by adopting the suggestions relating to the organization of its work put forward by the Chairman (A/AC.109/L.1841), the Special Committee decided, inter alia, to take up the questions of East Timor, Gibraltar, New Caledonia and Western Sahara as separate items and to consider them in its plenary meetings.

2. The present chapter contains an account of the consideration by the Special Committee of the Territories (sect. B). It also sets forth the recommendation on the question of New Caledonia to the General Assembly at its fifty-first session (sect. C).

3. In its consideration of the questions, the Special Committee took into account General Assembly resolutions 50/39 and 50/40 of 6 December 1995 and decisions 50/402 of 22 September 1995 and 50/415 of 6 December 1995 and other relevant resolutions and decisions.

4. In its capacity as the administering Power concerned and in accordance with established procedures, the delegation of Portugal participated in the work of the Special Committee in relation to East Timor.

B. Consideration by and decisions of the Special Committee

1. East Timor

5. The Special Committee considered the question of East Timor at its 1458th to 1461st meetings, on 23 and 24 July 1996.

6. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (A/AC.109/2049 and Corr.1 and 2).

7. At its 1458th meeting, on 23 July (A/AC.109/SR.1458), the Special Committee granted the requests for hearing from the following petitioners and heard their statements at the meetings indicated below:

Petitioner
1458th meeting
Ms. Milena Pires, União Democrática Timorense
Mr. Gerald Le Melle, on behalf of Amnesty International
Mr. Ben Wainfield, on behalf of the Indonesia Human Rights Campaign (TAPOL)
Mr. Marc Salzer, on behalf of Philippine Solidarity with East Timor and Indonesia

Petitioner

Mr. Elliot Hoffman, on behalf of Watch Indonesia

1459th meeting

Mr. Constancio Pinto, on behalf of National Council of Maubere Resistance

Mr. Charles Scheiner, the East Timor Action Network/United States

Mr. Steve Hale, on behalf of British Coalition for East Timor

Mr. Vince Cominskey, on behalf of Catholic Institute for International Relations

Mr. José Maria Albuquerque, on behalf of Commission for the Rights of the Maubere People/Portugal

Ms. Sharon Scharfe, Parliamentarians for East Timor

Ms. Magda Karagiannakis, on behalf of International Platform of Jurists for East Timor

Mr. Jamie Davidson, Human Rights Watch/Asia

Mr. John Miller, on behalf of Hobart East Timor Committee

Mr. Terrence McCorey, on behalf of Pax Christi International

Mr. Jonothan Logan, on behalf of Australia East Timor Association

Sister Marie Therese Plante, on behalf of Japanese Catholic Council for Justice and Peace

Ms. Anna Brown, Kairos/Plowshares New York

Mr. Alyn Ware, on behalf of East Timor Independence Committee (Auckland)

Mr. Carlos Manuel Luis, Member of Parliament/Socialist Party, Portugal

Mr. Antonio Barbosa de Melo, Member of Parliament/Social Democratic Party, Portugal

1460th meeting

Mr. João Cerveira Corregedor Da Fonseca, Member of Parliament/Comunist Party, Portugal

Mr. Nuno Krus Abecasis, Member of Parliament/Social Democratic Centre - Popular Party, Portugal

Professor Roger Clark, on behalf of International League for Human Rights

Mr. Marcal de Almedia, Member, Provincial House of Representatives

Mr. Domingos M. P. dos Reis, East Timor Regional Development Bank

Petitioner

Mr. Ric Panganiban, on behalf of Asia Pacific Coalition for East Timor (APCET)

Ms. Susan Einbinder, on behalf of Free East Timor Japan Coalition

Mr. Mari Alkatiri, on behalf of FRETILIN

Ms. Eleanor Hoffman, on behalf of Australians for a Free East Timor

Mr. Saylor Creswell, on behalf of Campaign for an Independent East Timor (South Australia)

8. At the 1458th meeting, on 23 July, the Acting Chairman informed the Special Committee that the delegation of Sao Tome and Principe had expressed the wish to participate in the Committee's consideration of the item. The Committee decided to accede to the request.

9. At the same meeting, statements were made by the representatives of Indonesia and Portugal (see A/AC.109/SR.1458). The representative of Indonesia made a further statement on a point of order (see A/AC.109/SR.1458).

10. At the 1459th and 1460th meetings, on 23 and 24 July, the representative of Indonesia made several interventions on a point of order (see A/AC.109/SR.1459 and 1460).

11. At the 1460th meeting, on 24 July, statements were made by the representatives of Sao Tome and Principe (on behalf also of Angola, Cape Verde, Guinea-Bissau and Mozambique) and Portugal (see A/AC.109/SR.1460).

12. At the 1461st meeting, on 24 July, statements were made by the representatives of Papua New Guinea and Indonesia (see A/AC.109/SR.1461). The representatives of Portugal and Indonesia made further statements (see A/AC.109/SR.1461).

Decision of the Special Committee

13. At its 1461st meeting, on 24 July, on the proposal of the Acting Chairman, the Special Committee decided to continue consideration of the question at its next session, subject to any directives that the General Assembly might give in that connection at its fifty-first session, it being understood that the objection made by the representative of Indonesia would be reflected in the record of the meeting.

2. Gibraltar

14. The Special Committee considered the question of Gibraltar at its 1458th meeting, on 23 July 1996.

15. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (see A/AC.109/2057).

16. At the 1458th meeting, the Acting Chairman informed the Special Committee that the delegation of Spain had expressed the wish to participate in the

Committee's consideration of the question. The Committee decided to accede to the request.

17. At the same meeting, with the Committee's consent, Mr. Peter Caruana, Chief Minister of Gibraltar, made a statement (see A/AC.109/SR.1458). The representative of Spain made a statement (see A/AC.109/SR.1458).

Decision of the Special Committee

18. At its 1458th meeting, on 23 July 1996, the Special Committee decided, without objection, to continue its consideration of the question at its next session, subject to any directives that the General Assembly might give in that connection at its fifty-first session and, in order to facilitate consideration of the question by the Special Political and Decolonization Committee (Fourth Committee), to transmit the relevant documentation to the Assembly.

3. New Caledonia

19. The Special Committee considered the question at its 1461st meeting, on 24 July 1996.

20. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (A/AC.109/2046).

21. At its 1456th and 1459th meetings, respectively, on 22 and 23 July, the Special Committee granted requests for hearing to Mr. Yann Céléné Uregei of the Congrès populaire and Ms. Donna Winslow on behalf of Front de libération nationale kanake socialiste (FLNKS). At its 1461st meeting, on 24 July, Mr. Uregei and Ms. Donna Winslow made statements (see A/AC.109/SR.1461).

22. At its 1461st meeting, the Acting Chairman drew attention to a draft resolution submitted by Fiji and Papua New Guinea (A/AC.109/L.1850).

23. At the same meeting, the representative of Papua New Guinea made a statement (see A/AC.109/SR.1461), in the course of which he introduced, on behalf also of Fiji, draft resolution A/AC.109/L.1850.

24. At the same meeting, the Special Committee adopted draft resolution A/AC.109/L.1850 without a vote.

25. On 1 August, the text of the resolution (A/AC.109/2066) was transmitted to the Permanent Representative of France for the attention of his Government.

Decision of the Special Committee

26. The text of the resolution (A/AC.109/2066) adopted by the Special Committee at its 1461st meeting, on 24 July 1996 (see para. 24), appears in section C in the form of a recommendation of the Special Committee to the General Assembly.

4. Western Sahara

27. The Special Committee considered the question of Western Sahara at its 1461st meeting, on 24 July 1996.

28. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (A/AC.109/2059).

29. At the 1461st meeting, on 24 July, the Acting Chairman informed the Special Committee that the delegation of Algeria had expressed the wish to participate in the Committee's consideration of the question. The Committee decided to accede to the request.

30. At its 1456th meeting, on 22 July, the Special Committee granted requests for hearing to Mr. Fernando Garcia on behalf of Liberal International and Mr. Boukhari Ahmed of the Frente Popular para la Liberación de Saguia el-Hamra y de Rió de Oro (Frente POLISARIO). Mr. Garcia and Mr. Ahmed made statements at the 1461st meeting, on 24 July (see A/AC.109/SR.1461).

Decision of the Special Committee

31. At its 1461st meeting, on 24 July 1996, on the proposal of the Acting Chairman, the Special Committee decided, without objection, subject to any directives that the General Assembly might give in that connection at its fifty-first session and, in order to facilitate consideration of the question by the Special Political and Decolonization Committee (Fourth Committee), to transmit the relevant documentation to the Assembly.

C. Recommendation of the Special Committee

32. In accordance with decisions taken at its 1454th and 1461st meetings, on 16 February and 24 July 1996, respectively, the Special Committee recommends to the General Assembly the adoption of the following draft resolution:

Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to New Caledonia, 1/

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling its resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in

New Caledonia in the preparation of the act of self-determination of New Caledonia,

Welcoming the strengthening of the process of review of the Matignon Accords 2/ through the increased frequency of coordination meetings,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. Urges all the parties involved, in the interest of all the people of New Caledonia and building on the positive outcome of the mid-term review of the Matignon Accords, to maintain their dialogue in a spirit of harmony;

2. Invites all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter and the spirit of the Matignon Accords, which are based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

3. Welcomes measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon Accords;

4. Also welcomes the importance attached by the parties to the Matignon Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

5. Acknowledges the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;

6. Notes the positive initiatives aimed at protecting New Caledonia's natural environment, notably the "Zoneco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

7. Acknowledges the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and provincial authorities to facilitate the further development of those links, including the development of closer relations with the member countries of the South Pacific Forum;

8. Welcomes, in particular, in this regard, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to member countries of the South Pacific Forum;

9. Requests the Special Committee to continue the examination of this question at its next session and to report thereon to the General Assembly at its fifty-second session.

Notes

1/ The present chapter.

2/ See A/AC.109/1000, paras. 9-14.